

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re the matter of

FRANCIS O. BENIANA and  
RITA BENIANA,

Debtors.

NO. 18-04655  
CHAPTER 7

JUDGE JACK B. SCHMETTERER

NOTICE OF MOTION

TO:

Francis O. Beniana  
Rita Beniana  
2532 W. Birchwood Ave.  
Apt. D  
Chicago, IL 60645  
**BY U.S. MAIL**

David M. Siegel, Attorney for Debtors  
Joseph A. Baldi, Chapter 7 Trustee

**BY ELECTRONIC TRANSMISSION  
BY ELECTRONIC TRANSMISSION**

PLEASE TAKE NOTICE that on March 27, 2018, at 10:00 a.m., or as soon thereafter as Counsel may be heard, we shall appear before the Honorable JACK B. SCHMETTERER, Bankruptcy Judge, at **219 South Dearborn Street, Courtroom #682, Chicago, Illinois**, and then and there present the attached Motion to Modify the Automatic Stay, a copy of which is hereby served upon you.

PROOF OF SERVICE

I, the undersigned attorney, certify that I served a copy of this Notice with Motion to Modify the Automatic Stay attached, upon the parties listed above, by the methods specified, from 2056 Ridge Road, Homewood, Illinois 60430 before the hour of 5:00 P.M. on the 15<sup>th</sup> day of March, 2018.

BY: /s/ Terri M. Long  
TERRI M. LONG

LAW OFFICES OF TERRI M. LONG  
2056 Ridge Road  
Homewood, Illinois 60430  
Phone: (708) 922-3301  
Fax: : (708) 922-3302  
Atty. for TOYOTA MOTOR CREDIT CORPORATION, its Successors and/or Assigns

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MOTION TO MODIFY AUTOMATIC STAY

Now comes TOYOTA MOTOR CREDIT CORPORATION, its successors and/or assigns, (hereinafter referred to as “Movant”), a creditor herein, by TERRI M. LONG, its attorney, and moves this Honorable Court for entry of an Order modifying the restraining provisions of §362 of the Bankruptcy Code, and in support thereof respectfully represents as follows:

1. On February 21, 2018, the Debtors herein filed a petition for relief under Chapter 7 of the Bankruptcy Code.

2. Movant is a creditor of the Debtors with respect to a certain indebtedness secured by a lien upon a 2015 Toyota RAV4 motor vehicle, with an outstanding balance of \$14,774.72 as of 3/14/2018.

3. The Debtors have not offered, and Movant is not receiving, adequate protection for its secured interest or depreciating value.

4. The Debtors have no equity in the aforesaid motor vehicle, and the said motor vehicle is not necessary to an effective reorganization by the Debtor.

5. Movant will suffer irreparable injury, harm and damage should it be delayed in taking possession of the motor vehicle aforesaid and in foreclosing its security interest therein.

6. The account is past due in the amount of \$2,059.99 as of 3/14/2018.

7. Movant requests that Bankruptcy Rule 4001(a)(3) not apply to any Order granting this motion.

WHEREFORE, TOYOTA MOTOR CREDIT CORPORATION, its successors and/or assigns, prays that this Honorable Court enter an Order modifying the restraining provisions of §362 of the Bankruptcy Code to permit the said TOYOTA MOTOR CREDIT CORPORATION, its successors and/or assigns, to take possession of and to foreclose its security interest in a certain 2015 Toyota RAV4 motor vehicle, V.I.N. JTMBFREVFJ028438, and for such other and further relief as this Court may deem just.

TOYOTA MOTOR CREDIT  
CORPORATION, its Successors and/or  
Assigns

BY: /s/ Terri M. Long  
TERRI M. LONG

LAW OFFICES OF TERRI M. LONG

2056 Ridge Road

Homewood, Illinois 60430

Phone: (708) 922-3301

Fax : (708) 922-3302

Atty. for TOYOTA MOTOR CREDIT CORPORATION, its Successors and/or Assigns

# STATE OF ILLINOIS

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### CERTIFICATE OF TITLE OF A VEHICLE

VEHICLE IDENTIFICATION NO.  
JTMBFREVXFJ028438

YEAR  
2015

MAKE  
TOYOTA

MODEL  
RAV4

BODY STYLE  
CARRYALL

TITLE NO.  
15183685227

DATE ISSUED  
07/02/15

ODOMETER  
4

CCM

MOBILE HOME SQ. FT.

PURCHASED  
05/30/15  
NEW

TYPE TITLE  
ORIGINAL

MAILING ADDRESS

LEGEND(S)

ACTUAL MILEAGE

TOYOTA MOTOR CREDIT CORP  
PO BOX 105386  
ATLANTA GA 30348-5386

OWNER(S) NAME AND ADDRESS  
BENIANA INC  
FRANCIS BENIANA



FIRST LIENHOLDER NAME AND ADDRESS  
TOYOTA MOTOR CREDIT CORP  
PO BOX 105386  
ATLANTA GA 30348-5386

SECOND LIENHOLDER NAME AND ADDRESS

#### RELEASE OF LIEN

The Lienholder on the vehicle described in this Certificate does hereby state that the lien is released and discharged.

Firm Name

By

Signature of Authorized Agent

Date

Firm Name

By

Signature of Authorized Agent

Date

**NEW LIEN ASSIGNMENT:** The information below must be on an application for title and presented to the Secretary of State.

Secured Party

Address

**Federal and State law requires that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.**

#### ASSIGNMENT OF TITLE

The undersigned hereby certifies that the vehicle described in this title has been transferred to the following printed name and address:

I certify to the best of my knowledge that the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked:

- ☐ 1. The mileage stated is in excess of its mechanical limits.
- ☐ 2. The odometer reading is not the actual mileage.

**WARNING-ODOMETER DISCREPANCY.**

"If this vehicle is one of more than 5 commercial vehicles owned by me, I certify also that the vehicle is not damaged in excess of 33 1/3% of its fair-market value unless this document is accompanied by a salvage application."

ODOMETER READING

NO  
TENTHS

Signature(s) of Seller(s)

Printed Name(s) of Seller(s)

DATE OF SALE

I am aware of the above odometer certification made by seller.

Signature(s) of Buyer(s)

Printed Name

I Jesse White, Secretary of State of the State of Illinois, do hereby certify that according to the records on file with my Office, the person or entity named hereon is the owner of the vehicle described hereon, which is subject to the above named liens and encumbrances, if any  
IN WITNESS WHEREOF, I HAVE AFFIXED MY SIGNATURE AND THE GREAT SEAL OF  
THE STATE OF ILLINOIS AT SPRINGFIELD

CONTROL NO.

M3242655



*Jesse White*

JESSE WHITE, Secretary of State